

Contacts: 3
Calls: 10
Ins: 1
Outs: 1

CONFIDENTIAL

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 11 November 1974

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1. [redacted] Judd Kessler, State Department, called for arguments to be used by State in favor of the "important to the national security" language in the House foreign assistance bill, rather than the "vital to the national security" language in the Senate foreign assistance bill. These alternative standards would be required for the President to authorize covert action. I provided Kessler with some arguments.

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2. [redacted] I called Doug Marvin, Counsel, Senate Judiciary Committee, and inquired as to the outcome of the discussion with Senator Edward M. Kennedy (D., Mass.) on H.R. 12471, which amends the Freedom of Information Act. He said they had not yet met with Senator Kennedy and may not since the Senator will be away most of this week and all of next week. He felt it would be very difficult to convince the leadership to calendar a new bill if they don't have Senator Kennedy's agreement. He glumly added that Senator Kennedy most likely would not agree. He said he will call me to seek Agency support if Senator Kennedy agrees to the proposal.

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3. [redacted] Received a call from Bruce Johnson, OMB, regarding our letter to Chairman Chet Holifield (D., Calif.), House Committee on Government Operations, on H.R. 15577, which would establish a statutory classification system. OMB wants to delete one sentence from the letter so that our response is consistent with that of other agencies. After checking with [redacted], I told Johnson we would ask the Director to sign a letter without that sentence.

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4. [redacted] Received a call from David Leach in the office of Representative Edward Mezvinsky (D., Iowa). Mezvinsky had received a letter from a constituent inquiring about the "secrets act"--the constituent had heard a television show with Victor Marchetti, who urged listeners to write to their congressmen in opposition to this bill. I explained our Intelligence Sources and Methods legislation to Leach, emphasizing that it was still being coordinated within the Executive Branch. No further action is necessary.

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5. [redacted] Called John Throw, INR / State Department, per his request to inform him of our finalized position on the Mondale resolution (S. Res. 404), which would create a Senate Select Committee on Intelligence Policy. He said INR's position was similar to ours and expressed the hope that we could coordinate our positions on legislation in the future.

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7. [redacted] Talked to Kathy, in Representative Brock Adams' (D., Wash.) office, who called concerning a constituent letter asking the Representative for action on the "National Recognizance Unit" which is a guerrilla training organization whose purpose is to maintain control in riots, etc. In brief, I told her that we had no knowledge of any organization, but in any event the Agency is not involved in internal security activities. She will respond to the constituent without any reference to the CIA in Representative Adam's letter. No further action is indicated.

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8. [redacted] I talked to Bill Hogan, Counsel, Intelligence Subcommittee, House Armed Services Committee, who told me that he had appeared this morning in response to a subpoena served Friday by Judge Sirica's court which was returnable today and advised the court that no action could be taken until Congress reconvenes. Hogan has no doubt that the transcripts taken before the Nedzi Subcommittee in executive session will be withheld. In the case of the court's subpoena of the Rodino Judiciary Committee transcripts and documents, those in open session were released but the House resolution withheld the executive session transcripts. Hogan told me he has talked to Mr. Hayes of the Justice Department about the Olby sources and methods legislation and had been assured, he felt, that Justice and the Agency were progressing with the matter of agreed terminology and provisions. In Hogan's opinion this is the only loose end for tidying up the Agency's bill for possible presentation to the House during the coming lame duck session. I told Hogan I would check on the matter and be back in touch in the morning. Hogan has not yet talked to the Chairman about the bi-weekly intelligence briefing.

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9. [REDACTED] Delivered a sealed envelope to Kent Crane, Administrative Assistant to Representative Peter H. B. Frelinghuysen (R., N. J.). He gave me a package of material from the Murphy Commission sent to Representative Frelinghuysen and said we could copy whatever we wanted. The package was given to [REDACTED] IC Staff, for her review. It is to be returned to Crane tomorrow.

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10. [REDACTED] Called Jan Alberghini, Senate Judiciary Subcommittee on Administrative Practice and Procedure staff, and asked her if she knew the purpose of her earlier request for a listing of all inquiries under the Freedom of Information Act to the Agency from January 1972 to present. She did not know, but said that it was for Tom Susman, Senator Edward M. Kennedy's (D., Mass.) man on the Subcommittee. (Susman has handled Freedom of Information Act matters for Senator Kennedy.) I asked if the Agency reports to the ICRC which we had provided to the Muskie Subcommittee on Intergovernmental Relations, Senate Government Operations Committee, would be sufficient. She said she would check and call me back.

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11. [REDACTED] Bill Espinoza, AID/OGC, called to say that a Working Group headed by Undersecretary of State Moss has prepared a position paper on S. 3394 and H.R. 17234 (foreign assistance bills), which will be used as the basis of lobbying activities late in the week of November 11th. Espinoza asked that we provide our views specifically on the provisions in the bills which limit intelligence activities (Hughes and Ryan amendments). He also asked for any other suggestions we might have on how to improve either of these bills.

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12. [REDACTED] Received a call from David Leach, in the office of Representative Edward Mezvinsky (D., Iowa), who requested the telephone extension of Henry Hallerman. After checking with Information operators and Personnel, I called Leech back and told him we had no one here by that name.

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13. [redacted] Arnold Donahue, OMB, called referring to an Inter-agency working group paper on the pending Foreign Assistance legislation which had been put together by a State/AID/OMB working group concerning the Hughes/Ryan covert action amendments and recommended that the Agency's views be solicited. I explained that this working group's efforts may be the basis for confusing reports that had come into us from OMB and others, and that as soon as we were given the privilege of seeing what the working group had recommended, we would be glad to provide our views. Jim Oliver, OMB, will drop off tomorrow the relevant section of the paper. I told Donahue we would be able to give him a reaction to it by the end of the day.

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GEORGE L. CARY
Legislative Counsel

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cc:
O/DDCI
Ex. Sec.
[redacted]

Mr. Thuermer
Mr. Warner
Mr. Lehman
Mr. Clarke
EA/DDO DDI DDA DDS&T
Comptroller